

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
Long Island Federal Courthouse
814 Federal Plaza
Central Islip, NY 11722-4451
(631) 712-5730**

**BEFORE: ARLENE R. LINDSAY
 United States Magistrate Judge**

DATE: April 27, 2005

TIME: 3:00 p.m.

DOCKET NO. CV 00-7626 (DLI)(ARL)

CASE: SEC v. LITWOK

_____ **INITIAL CONFERENCE**

_____ **STATUS CONFERENCE**

BY TELEPHONE XX

_____ **SETTLEMENT CONFERENCE**

_____ **FINAL CONFERENCE**

_____ **ORDER**

APPEARANCES:

FOR PLAINTIFF:

FOR DEFENDANT:

Cynthia Matthews

Evelyn Litwok

The following rulings were made:

Before the court are the defendant's letters mis-dated April 28, 2005, seeking to adjourn several non-party depositions due to her health. Based on the letters and the information obtained from Ms. Litwok during the telephone conference, it is clear the although Ms. Litwok has begun to undergo testing for a number of medical conditions, she is yet to be diagnosed and has not been advised that attending the depositions poses a risk to her health. Accordingly, the defendant's application to adjourn the depositions is denied. However, the court will permit Ms. Litwok to attend the depositions by telephone in order to make her as comfortable as possible.

The depositions scheduled for May 4, 6, 10, and 19 are to go forward and Ms. Litwok is directed to schedule her doctors' appointments around those four dates. Ms. Matthews is directed to make arrangements so that Ms. Litwok can appear at the four depositions by telephone.

If Ms. Litwok's condition changes so as to require her to be hospitalized, the undersigned will reconsider the application upon the submission of an affidavit from a doctor indicating that Ms. Litwok has been hospitalized or that her participation by telephone poses a severe risk to her health.

SO ORDERED:

_____/s/____